

REMARKS

The last Office Action of January 4, 2010 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 8-11, 22, 23, 25, 27 and 29-40 are currently pending. Claims 8-11, 22, 23, 25, 27, 29, 31 and 33 are allowed. Claims 30, 32, 34-38 and 40 are objected to.

Claims 36-39 are rejected

Currently, claims 35, 36, 39 and 40 are amended. Claims 37 and 38 were canceled and claims 41 and 42 added incorporating the subject matter of canceled claims 37 and 38.

A total of 20 claims is now on file. The claim surcharge for two additional independent claims is submitted herewith.

It is noted that the specification is objected to for failing to provide the proper designation for the sequences that are disclosed in the application.

It is noted that claims 36-39 are rejected under 35 U.S.C. §112, second paragraph for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

OBJECTION TO THE SPECIFICATION

Applicant has amended those paragraphs in the specification to correct the sequence designations to SEQ ID NO. Because of the extensive corrections,

applicant also submits herewith a substitute specification in which the proper designations are incorporated for the benefit of the Examiner.

CLAIM OBJECTION

Applicant has reviewed the Examiner's objections to claims 30, 32 and 34. The objection is directed to improper dependency of the claims. Since the claims were at the time in independent form and contained the phrase "wherein the expression of the construct in cat cells provided protection from Feline Leucosis virus infection", the objection was confusing. Applicant contacted the Examiner regarding this issue to discuss the matter. The Examiner proposed to applicant to point that out in the written submission, which is herewith done. If the Examiner feels that there are other objections to claims 30, 32 and 34, it is respectfully requested that the Examiner notify the applicant so that the applicant will be apprised of those and can amend the claims if necessary.

Claim 35 has been amended to provide the colon after "NOS". Claims 37 and 38 have been rewritten in independent form to make them clearer. Claim 40 was amended to avoid the inconsistency the Examiner pointed out regarding the product by process claim.

OBJECTION/REJECTION TO THE SEQUENCE LISTING

In response to the Examiner's objection/rejection maintained to the CRF sequence listing, applicant submits herewith a sequence listing which has been amended as per the STIC suggestions which were attached to the Office Action. Applicant believes that the CRF of the sequence listing is now proper. Applicant

further states that the paper copy which was previously submitted is identical with the CRF.

REJECTION OF CLAIMS 36-39 UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Applicant has amended claim 36 to insert "a" instead of "the" thereby making the claim language definite. Claims 37 and 38 were canceled and reintroduced in independent form as claims 41 and 42 to avoid the rejection in accordance with the Examiner's suggestion.

With respect to claim 39, applicant amended the claim to read unequivocally as a product claim. It is believed that the Examiner's rejection of claim 39 is thereby overcome.

Applicant's amendments to the claims are believed to overcome each and every objection or rejection to the claims set forth in the Examiner's Official Action of January 4, 2010

The Commissioner is hereby authorized to charge the surcharge of \$82.00 for presenting two independent claims in excess of twenty to Deposit Account No. 50-1747.

CONCLUSION

The foregoing amendments to the specification correct each and every informality which was objected to by the Examiner and was the ground for the rejection.

In view of the above, each of the presently pending claims in this application is believed to be in immediate conditions for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview

Respectfully submitted,

By: 

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